

## Remarks / Arguments

### Summary of Request for Continued Examination

Continued Examination of the present application is respectfully requested. This response to the present Office Action is a bona fide attempt to advance the present application to final action. MPEP 1.111(b). The claims, as amended, are patentably distinguished from the previous references as will be set forth herein. Specifically, the claims as amended bring attention to various distinguishing features of the present invention, in that the present invention is directed to a merchandising strip. The present invention is truly novel in that none of the art disclosed by the references cited, even when taken as a whole, alone or in combination, clearly demonstrate the structural limitations and the interacting combination of elements that is necessary for operation of a merchandising strip. MPEP 1.111(c).

### Summary of Amendments to the Claims

Claim 1 has been amended to include the structural limitations of the plastic strip, the adhesive elements, and the coating.

Claim 2 is original.

Claim 3 is cancelled without prejudice.

Claim 4 is as previously presented.

Claims 5 - 13 are original.

Claims 14 - 21 are cancelled without prejudice.

### Claim Rejections based upon 35 USC §102 and 35 USC §103

The Examiner rejects Claims 1, 2, 4, 5, 12 and 13 under 35 USC §102 as being anticipated by Miles (6,383,591). The Examiner also rejects Claims 6-11 under 35 USC §103(a) as obvious over Miles (6,383,591) [sic – listed as rejected under 35 USC §102(c)]

in the 06/05/2008 Office Action]. In particular, the Examiner notes that various limitations directed to the structural requirements of a merchandising strip are mentioned but are not recited as positive limitations.

Claim 1.

Applicant amends Claim 1 to positively recite various structural limitations which are required for completeness of structure.

In particular, for the merchandising strip to be operable as a merchandising strip, the plastic strip must be structurally capable of supporting one or more of packages, preferably several packages. As disclosed in the specification, and in particular on page 3, lines 16 through 24 and page 5, lines 10 through 23 and page 10, lines 14 through 19 of the specification, the weight of the packages is supported by the plastic strip. A plastic strip that is not capable of supporting the weight of the packages will not be operable for the purposes of the claimed device.

The adhesive elements must also each have the capacity to adhere and hold the weight of the package to be held, while also allowing the package to be removed at a later time (see, page 3, lines 21 through 23 of the specification). To achieve this, the adhesive elements must also be strongly adhesive to one side of the plastic (page 9, lines 17-18, 24 of the specification), as claimed by lamination to the uncoated side of the plastic strip.

The coating, working in combination with the adhesiveness of the adhesive elements, provides a controlled amount of releasability when a rolled length of the plastic strip is stored or dispensed (page 9, lines 14 through 24 of the specification). The substantially non-adhesive feature of the coating is paired with the adhesive substance of the adhesive element (whose qualities otherwise meet the package adhesion and lamination limitations) to solve this problem.

These structural limitations, in combination, work together in achieving the desired results and capability of the claimed invention. For example, the plastic strip must be able to physically support the load of product packages. The adhesive elements must be able to hold on to the plastic strip, be able to support the load of their package, yet release the package when the package is pulled. A coating on the other side of the plastic strip (the coating paired to the adhesive qualities of the adhesive element) prevents binding by the adhesive elements when the plastic strip rolled for storage or dispensing.

Miles ('591) does not disclose a plastic strip capable of supporting a plurality of discrete packages, does not disclose adhesive elements capable of removeably adhering to the discrete packages, does not disclose a coating on one side of the plastic strip that is substantially non-adhesive to such adhesive elements, and does not disclose the working combination of a plastic strip, adhesive elements, and coating to effect operability of supporting discrete packages in a removably adhering manner while also preventing binding of the strips during storage and dispensing from a roll.

#### Claims 2, 4-13.

Claim 2 and Claims 4 - 13 depend upon Claim 1 and should be allowable should the Examiner find Claim 1 to be allowable. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03. Applicant has found the shape configurations as claimed to be operable to removably adhere to product packages while also maintaining support to the plastic strip support.

**Summary.**

For all the above reasons, applicant submits that the claims are now in proper form and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance and favorable action on the merits of this case is respectfully requested.

*An interview with the Examiner is requested.*

No claims were added. It is believed no fees are due regarding claims. Payment of additional fees in the amount of \$405.00 for the Request for Continued Examination, 37 CFR 1.17(e), is included with this Request for Continued Examination and Amendment. The Commissioner is hereby authorized to charge Deposit Account No. 01-2511 for any fees associated with this application, and to charge any additional filing fees or credit any overpayment to Deposit Account No. 01-2511.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles Knobloch".

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Patent Attorney for Applicant